

14-31-i. Administrative Penalty Actions

1. AUTHORITY. The following authorities have been delegated by the Regional Administrator to the Director, Superfund Division, by means of Region 5 Delegation 14-31: Pursuant to CERCLA, as amended, to make determinations of violations under Section 109, to assess penalties, to issue notices, to issue orders, to issue complaints, and to compile the administrative record upon which the violation was found or the penalty was imposed, and to negotiate and sign consent orders memorializing settlements under Section 109 between the Agency and respondents.
2. TO WHOM DELEGATED. The Director, Superfund Division, hereby delegates to the Branch Chief who has authority over the Chemical Emergency Preparedness and Prevention Section those authorities in paragraph 1, but only for actions taken pursuant to Section 103 of CERCLA.
3. LIMITATIONS.
  - a. The delegated Branch Chief must notify the Assistant Administrator for the Office of Solid Waste and Emergency Response (AA/OSWER) or designee prior to exercising any of the above authorities, subject to EPA Delegation 14-31 and any subsequently issued guidances or memorandum.
  - b. The delegated Branch Chief must obtain the advance concurrence of a Section Chief in the Office of Regional Counsel before exercising any of the authorities described in paragraph 1.
4. REDELEGATION AUTHORITY. The delegated Branch Chief may not redelegate these authorities.
5. ADDITIONAL REFERENCES.
  - a. All applicable Agency guidances and directives.
  - b. Section 109 of CERCLA.
  - c. Region 5 Delegation 14-31, *Administrative Penalty Actions*.